

FARMINGTON CITY PLANNING COMMISSION

Thursday, September 25, 2008

PLANNING COMMISSION STUDY SESSION

Present: Chairman Kevin Poff, Commission Members Paul Barker, John Bilton, Rick Wyss, Randy Hillier, Craig Kartchner, Jim Young, Assistant City Planner Glenn Symes, Recording Secretaries Kami Mahan and Cynthia DeCoursey, and America West Development paralegal Kathi Izatt. Commissioner Steven Andersen was excused.

_____ **Chairman Poff** began discussion at 6:30 p.m. The following items were reviewed:

(Agenda Item #1): Minutes

_____ The Commission reviewed the minutes of the Planning Commission meeting held September 11, 2008, and made corrections.

(Agenda Item #3): Farmington City - (Public Hearing) - Farmington City is considering a zone change from R-2 (Multi-Family) to R (Residential) or LR (Large Residential) on parcels in the following Subdivisions or Planned Unit Developments: Somerset Hollow, Somerset Farm, Somerset III Subdivision, Shepard Creek Country Estates, Farmington Orchards, Oakridge Farms, and the Quail Run Subdivision as well as other unplatted properties along Leonard Lane. (Z-5-08)

Glenn Symes reviewed the zoning change proposal, and said that two notices were sent out, the first to 450 citizens, and the second to 650. In response to questions from **Rick Wyss**, **Mr. Symes** said that approximately half of the subdivisions in question have CC&R's, and that he has been receiving an average of three to four phone calls/contacts per day on the issue, all of which have been favorable.

Mr. Symes also explained how the zoning designation was determined in each subdivision. It was pointed out by Commissioner Wyss that some lots in the Oakridge Subdivision are larger than what was stated in the packet information.

Mr. Symes explained that the ordinances included in the packet, some of which was outdated, was obtained from the city website. He distributed copies of the Chapter 11 Ordinance on Single Family Residential Zones and Chapter 13 on Multiple Family Residential Zones, and said the synopsis of the change concerned secondary dwellings.

Randy Hillier inquired about an update on the I-15 sound wall, and the Commission briefly discussed the situation.

(Agenda Item #4): Aaron and Halley Langford - (Public Hearing) - Applicant is requesting approval of a Conditional Use permit for the remodel of an exiting home at 70 North 200 East. The property is currently in the OTR (Original Townsite Residential) zone. (C-7-08).

Glenn Symes explained that the proposed remodel is larger than usual for a home of this size, and said the Historical Commission Chair has reviewed the proposal and submitted recommendations, which were included in the packet. **Randy Hillier** questioned whether he should recuse himself on this item since he knows the applicants. **Chairman Poff** did not believe this was a problem, and left the decision up to **Mr. Hillier**.

Glenn Symes answered questions from Commissioners concerning the windows on the home. **Chairman Poff** stated that he did not like to dictate matters of personal taste. It was pointed out that the addition meets the requirements for the area, and that the homeowners' decision to build up and not out was because of cost. **Chairman Poff** felt that this proposal will not damage the historical feel of the area.

The meeting adjourned at 6:58 p.m.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Kevin Poff, Commission Members Paul Barker, John Bilton, Rick Wyss, Randy Hillier, Craig Kartchner, Jim Young, Assistant City Planner Glenn Symes, and Recording Secretaries Kami Mahan and Cynthia DeCoursey. Commissioner Steven Andersen was excused.

Chairman Poff called the meeting to order at 7:00 p.m., and **John Bilton** offered the invocation.

APPROVAL OF MINUTES (Agenda Item #1)

The minutes of the September 11, 2008, Planning Commission meeting were reviewed during the study session.

Motion

John Bilton moved to approve the minutes of the Planning Commission meeting held September 11, 2008, with changes as noted. The motion was seconded by **Paul Barker**, and was approved unanimously.

CITY COUNCIL REPORT (Agenda Item #2)

Glenn Symes reported that no items pertinent to the Planning Commission were addressed at the September 16, 2008, City Council meeting. However, he reported that the Moon Park rezone is scheduled to be discussed in City Council on October 7th.

FARMINGTON CITY - (PUBLIC HEARING) - FARMINGTON CITY IS CONSIDERING A ZONE CHANGE FROM R-2 (MULTI-FAMILY) TO R (RESIDENTIAL) OR LR (LARGE RESIDENTIAL) ON PARCELS IN THE FOLLOWING SUBDIVISIONS OR PLANNED UNIT DEVELOPMENTS: SOMERSET HOLLOW, SOMERSET FARM, SOMERSET III SUBDIVISION, SHEPARD CREEK COUNTRY ESTATES, FARMINGTON ORCHARDS, OAKRIDGE FARMS, AND THE QUAIL RUN SUBDIVISION AS WELL AS OTHER UNPLATTED PROPERTIES ALONG LEONARD LANE (Z-5-08). (Agenda Item #3)

Background Information

Recently, several neighborhood groups approached the City with regard to changing the zoning classification of their subdivision from the R-2 zone to the R zone. The Farmington Bay subdivision was successfully changed and the Moon Park subdivision zone change was given a recommendation of approval from the Planning Commission with the City Council yet to hear the item. Because of these requests the City staff suggested to the Planning Commission and City Council that the remainder of the R-2 zoned subdivisions be analyzed to determine if a zone change was appropriate. Staff decided to separate the City into north and south areas to examine the R-2 zones. This application is for the northern subdivisions that include Farmington Orchards, Oakridge Farms, Somerset Hollow, Somerset Farms, Quail Run subdivision, Shepard Crossing, Somerset III, and properties along Leonard Lane.

Staff has provided some general information regarding each subdivision. At the time of the staff report, staff was still researching individual CC&R's for each subdivision to determine if the private covenants address single-family versus multi-family uses. Since most of the single-family residential regulations are the same for each of the single-family zones (R, LR, S, LS), a reasonable determination of which zone may be most appropriate for each subdivision may be lot size. Minimum lot sizes analyzed for this zone change are potential minimums based on the approval of the exemption of the conservation subdivision requirements. The waiver of this requirement cuts the minimum lot size in half from what is listed in the zoning ordinance for single-family residential zones.

END OF PACKET MATERIAL

Glenn Symes reviewed the Background Information of this proposal. He also displayed overhead zoning maps, Potential Rezone Areas, and R-2 versus R and LR zoning information, which he explained. (Maps and the additional material are included at the end of these minutes.)

Mr. Symes reported that the City was contacted by representatives of the Leonard Lane Subdivision, which would be excluded from this proposal pending an HOA meeting.

Public Hearing Opened

Chairman Poff opened the meeting to a public hearing at 7:13 p.m.

Nate Taylor, 1719 North Hampton Court, Somerset Subdivision, requested that his subdivision be excluded from the rezoning. He asked if there was a grandfathering clause for those with secondary dwellings, and **Chairman Poff** replied that any existing legal use will be grandfathered.

Paul Hayward, 1663 West, 1410 North, Oakridge Farms Subdivision, displayed a map of his subdivision, and explained why several lots in the subdivision cannot be built on. He said that when he was Chairman of the Architectural Control Committee from 1988 to 1990, he asked the City to change the zoning from R-2 to R-1, but the residents did not want to pay the fee. **Mr. Hayward** said he asked a previous Planning Director to inform him when someone applied for a permit, and was able to prevent approximately twenty homes from being built that would have violated the CC&R's. He also asked the Planning Commission not to approve the same address numbers on houses on adjacent streets. He believes that from a building standpoint, R-1 properties cannot qualify for two-family dwellings. He is in favor of the change.

Harv Jeppsen, 727 Leonard Lane, thanked the Commission for doing a thankless job.

Mike Otteson, 1549 North Honeybee Circle, asked for clarification on the secondary dwelling issue, exemptions of the zoning restrictions, and the intent of the proposed changes. He said that in this time of economic uncertainty, it would be reasonable to allow people to make minor modifications to their homes with the intent of renting in cases of absence for extended periods of time, such as for a mission. He said that there had been very little discussion of the impact on the people, and that he is from an area of England where the regulatory agencies made sweeping changes which demolished the communities because people had to move. He doesn't want this to happen here, and suggested that the Commission take measures to allow reasonable exemptions that do not affect the character of the neighborhood.

Ross Poore, 2265 North 125 West, Layton, wants to ensure that the City makes decisions consistent with plans it has adopted in the past. He said that in 1996 the legislature required every city to adopt a policy of affordable housing, which Farmington did in 1998. He said he has reviewed the policy recommendations, and he asked the Commission to look at the zoning ordinance changes in light of established policies. He said that according to the Utah Code Section 17-9a-408, the City is to report to the state on efforts to address affordable housing. He said a GRAMA request has gone unanswered by the City Council, and there seem to be no reports available. He asked the Commission to consider the plan in relation to the ordinances.

Public Hearing Closed

Chairman Poff closed the public hearing at 7:35 p.m. He reviewed the options of action which the Commission could take and opened the matter up for discussion.

Glenn Symes clarified the zone classification of the subdivisions, and **Chairman Poff** pointed out that CC&R's and zoning are separate issues. **Randy Hillier** noted that the residents would have chosen the "R" designation had it been available at the time of recording.

Rick Wyss asked how many citizens had contacted the Planning Department on this matter, and how many had been in favor of the proposal. **Mr. Symes** replied that from 20 to 30 people had contacted him, all of whom were in favor of the changes.

Craig Kartchner, in responding to **Mike Otteson's** concerns, clarified that Farmington Orchards Subdivision is being recommended for LR zoning, which would still allow for rental situations if the proper permits are submitted.

Chairman Poff read the list of subdivisions and their proposed zoning for the residents present at the meeting.

Paul Barker said the City cannot rule on CC&R's, but they are informative as to the intent of the neighborhood. He asked if it made sense to make an exception in terms of R2 to R in the case of **Nate Taylor**. **Glenn Symes** responded that a better option would be to make the LR and R zones more consistent so there wasn't a difference between the accessory and secondary dwellings. If this were the case, the only difference between the R-2 and the LR / R would be the two-family dwelling as a permitted use.

Rick Wyss said the Commission does not have the legal authority to spot zone, which is what is being proposed in this case. He said **Mr. Taylor's** CC&R's are requiring him to do what is being proposed tonight.

In response to a request by **Chairman Poff**, **Nate Taylor** pointed out his property on the overhead map. **Mr. Poff** said that although they have not spot zoned in the past, there have been cases of residents on the edge of a particular zone requesting to be included in that zone. It was clarified that **Mr. Taylor's** property is not at the edge of the subdivision. **Mr. Taylor** explained that he wants an exception for the purpose of having a secondary dwelling, and that this has been done for many years in the area. **Mr. Poff** said if CC&R's have not been enforced in the past, **Mr. Taylor** may have a legal case, but that this request is beyond tonight's discussion.

With respect to **Mr. Otteson's** concerns, **Jim Young** said that in some cases where people are house sitting for missionaries, military personnel, or those on overseas jobs, it is probably illegal. He suggested that time be taken to create language in the ordinance that legitimizes these situations.

In response to a question by **Rick Wyss**, **Glenn Symes** said that these uses are not in violation of city ordinances. **Chairman Poff** noted that the problem arises when unrelated people are paying to live in other areas of the house. It was explained that the rental time limit is a minimum of 30 days, with no maximum time limit. It was clarified that the City cannot prevent a property from being rented out.

Chairman Poff volunteered to take questions from the audience.

Paul Hayward said he has a neighbor renting a home to several unrelated adults, and asked if this is allowable under conditional use if the designation changes to R or LR. **Chairman Poff** said that boarding-house type of arrangements of any kind are prohibited in all zones of the City, unless proper approvals were obtained. This will remain the case in a rezone.

Leonora Smith, 473 Welling Way, Farmington Orchards Subdivision, said she purchased her lot because she was attracted to the R-2 zoning and its allowance of possible income from an apartment while she serves a mission. She has a small apartment and lives in the basement, and restrictions would prevent renters from living in the main part of the home. She asked the Commission to reconsider the rezoning for these types of situations.

Chairman Poff said Farmington Orchards is proposed as LR, and **Glenn Symes** said he believed that if it was legally permitted at the time, it could be grandfathered in. **Rick Wyss** said if they just maintain the two families, it would be a legal non-conforming use.

Ms. Smith reiterated the need for this option. **Chairman Poff** asked **Glenn Symes** if a zone change was granted whether a resident would be prohibited from renting out the main level in a secondary dwelling. **Mr. Symes** replied that this would be prohibited, and that a secondary dwelling can be rented but the main dwelling must be owner-occupied.

Chairman Poff asked how much housing in Farmington qualifies as affordable or moderate income housing, and how the zone change would affect this. **Mr. Symes** said that City Planner David Petersen was working on the newest report on this matter. He said that because conditional uses are the same in all of the zones, this change does not seem to have much of an impact.

Chairman Poff asked how many R-2 zone subdivisions were created after the change in 1979, and if any R-2 zones should remain R-2. **Mr. Symes** replied that of the ones he has seen in the northern portion of the City, he can only find one or two subdivisions, and 1983 was the latest. **Mr. Symes** said he had not found anything that should stay R-2. Most multi-family dwellings are R-4 and R-8 zoning, which are higher density, so fewer of those subdivisions border on zones that should remain R-2.

Chairman Poff asked what other zones would allow for twin homes or duplexes if the R-2 zone was eliminated, which seems likely. **Mr. Symes** said that R-4 and R-8 would allow for twin homes and duplexes, and that the R-2 zone is not being eliminated.

Rick Wyss commented that the City is maintaining the status quo of the subdivisions. He said the support is overwhelming. The only opposition is from someone who wants a non-conforming use which would not be allowed under the current CC&R's of the subdivision. **Mr. Wyss** said that in speaking with the residents in his neighborhood, they are in favor when they understand the zoning. He said this rezone is the preference of the citizens.

Motion

Rick Wyss moved to recommend the zone changes as follows:

Somerset Hollow Subdivision to Zone R
Somerset III Subdivision to Zone R
Somerset Farm Subdivision to Zone R
Shepard Creek Country Estates Subdivision to LR
Farmington Orchards Subdivision to Zone LR
Quail Run Subdivision to Zone LR
Oakridge Farms Subdivision to Zone R

John Bilton seconded the motion. The Commission voted 5 to 1 in favor of the motion, with **Paul Barker** voting in the negative.

Findings for Approval:

1. The zone change is compatible with the General Plan which states as a goal to “maintain Farmington as a peaceful, family-oriented, pastoral community through enforcing strict zoning ordinances and covenants, architectural standards, and density restrictions”.
2. The subdivision(s) is primarily single-family residential neighborhood and more consistent with a single-family residential zone designation.
3. The R-2 zoning was the most restrictive zoning available in Farmington at this time the subdivision was developed.
4. There are no non-conforming uses within these built-out subdivisions in the current or proposed zones.
5. The proposal is consistent with what has been done in the past.
6. The subdivisions have adopted their own restrictive covenants which are consistent with these proposed zones.
7. The majority of residents in these subdivisions are in favor of the proposal.

Commissioner Barker stated he opposed the motion because the zone changes could cause owners to have problems renting their home. He would have preferred to table the proposal to create ordinance language which would accommodate an absent owner in an R zone in renting out his/her home in certain situations.

Commissioner Wyss and **Commissioner Barker** discussed how to distinguish this scenario from someone just wanting to have a duplex.

Glenn Symes informed the Commission that this item will be noticed for a future City Council meeting, probably in November. **Chairman Poff** suggested that the notice letters include the proposed zone for each individual subdivision.

AARON AND HALLEY LANDFORD - (PUBLIC HEARING) - APPLICANT IS REQUESTING APPROVAL OF A CONDITIONAL USE PERMIT FOR THE REMODEL OF AN EXISTING HOME AT 70 NORTH 200 EAST. THE PROPERTY IS CURRENTLY IN THE OTR (ORIGINAL TOWNSITE RESIDENTIAL) ZONE. (C-7-08). (Agenda Item #4)

Background information

Recently, the City received a building permit application for an addition to an existing home in the OTR zone. Normally a building permit like this would be reviewed and approved by both the building department and the planning department. In this case, since it is in the OTR zone a change such as the one proposed requires a conditional use approval from the Planning Commission. The proposed changes include mainly the addition of a second story directly above the existing home. The home itself is a small post-war brick home consisting of approximately 640 square feet. Due to the size of the existing home, an addition to such a home should not be unexpected. However, since the home is located in the Original Townsite Residential zone, additional requirements have been put in place to provide an extra layer of review to ensure appropriate design changes.

OTR Ordinance Requirements

The OTR ordinance lays out quite specifically the design standards for any addition to a home in that zone. Section 11-17-070 begins with an outline of the goals of the design standards. The ordinance then further lays out specific standards for issues such as streetscape, setback and orientation, mass and scale, building height, roof form as well as materials and color. Several of the listed standards are of particular importance with this application. Of particular importance are streetscape, mass and scale, and materials. All sections are important but several are of less significance since the proposal does not impact these elements. For example, setbacks and orientation will not be greatly impacted since the footprint of the existing building will not be changed. Likewise, the requirements for building height are met with this proposal. The specific building height may be less important than the compatibility with the streetscape and adjacent properties.

When discussing the mass and scale of the building, the ordinance spells out the requirement that if the area of a proposed addition is larger than the original structure, Planning Commission approval is necessary through a conditional use permit (§11-17-070 (3) (b)). The proposed addition is a total of 707 square feet with the original structure a total of 643 square feet. The section addressing mass and scale states that the addition must be constructed to reinforce a sense of human scale and lists several ways this can be done. The proposed addition, along with the design of the original home, meets several of these goals. The proposal includes a one-story porch in the front of the home and has a generous number of large windows.

The section of the OTR ordinance addressing streetscape requires that new construction be compatible and consistent with buildings on adjoining lots and parcels in the general vicinity. On 200 East within the same block there are several other two-story homes as well as a small apartment complex to the southwest. The homes on either side of the subject home are single story homes but one home directly across the street and another two homes to the north are larger than one-story. Other one-story homes along the same block that are one-story are taller than this home as well.

The materials chosen for the new construction are included on the list of approved materials in the OTR zone. Alysa Revell of the Farmington City Historic Preservation Commission has given her recommendation on the use of this material and this recommendation is included in this staff report for the Commission's reference. The City's architect had no specific comment with regard to the materials proposed.

Consultant Reviews

The Planning Department has solicited comments from both the Chair of the Historic Preservation Commission and the City's consultant architect. Ms. Revell of the Historic Preservation Commission issued many comments with regard to the design and layout of the proposed addition and these comments have been included with the staff report. Rod Mortensen, the City's consultant architect, provided comments having to do with window design and vent size but had no major concern about the compatibility and design of the addition.

END OF PACKET MATERIAL

Chairman Poff introduced this Agenda item, and **Glenn Symes** displayed overhead photographs and elevation drawings of the property. He said that the size of the proposed remodel requires Planning Commission approval, and noted the comments provided in the packet by Historic Preservation Commission Chair Alysa Revell.

Chairman Poff invited the applicants to address the Commission.

Halley Langford, 70 North 200 East, said they bought the home two and a half years ago because they love the area, and have gone to great lengths to keep the original house intact. She said she has respect for the City laws and ordinances. She displayed a picture of the home, which is 647 square feet, and said they must enlarge the home or move. She said even doubling the size of the home makes it only 1200 square feet. They do not want the new addition to overpower or clash with the original home, and would like it to blend with the character of the area. She said their contractor specializes in historical additions.

Public Hearing Opened

Chairman Poff opened the meeting to a public hearing at 8:15 p.m.

Joe Tordiff, 55 North 200 East, said he lives across the street from the property, and that he supports the proposal. He said other people have bought the home and then move away as soon as they have their first child. He said that increasing the size of the home will add stability to the neighborhood, and that the design fits the neighborhood's character.

Paul Hayward commented that the home has a porch, and the proposal should be approved.

Public Hearing Closed

Chairman Poff closed the public hearing at 8:17 p.m., and turned the matter over to the Commission for discussion.

In response to questions by **John Bilton** and **Paul Barker**, **Halley Langford** said they are in agreement with Alys Revell's recommendations, and that although they would love to increase the size of the windows, this is not currently financially feasible. They also would like to have stucco and shutters, but can only afford siding.

Glenn Symes said no conditions concerning the windows were recommended by staff. **Chairman Poff** commented that windows and shutters are a personal taste issue, and that as long as the home is structurally sound and staff approves, he is not concerned about window size. He said the addition does not change the original home in an undesirable way.

The Langford's contractor, **Aaron Johnson**, 1189 North Main, said that except for the windows, all issues raised by the Historical Commission have been addressed, and that the elevations reflect the changes.

Chairman Poff asked the Langfords if they had intentions of having their home included on the Historic Register, and **Ms. Langford** replied that they had concerns about being able to make changes to their home in the future.

Jim Young said the addition radically changes the appearance of the original home, and questioned why the applicants chose to expand up rather than out. It was explained that the location of the garage and resulting costs necessitated building vertically.

Motion

John Bilton moved that the Planning Commission approve a conditional use permit for the addition of a second story on the home at 70 North 200 East. **Craig Kartchner** seconded the motion, which was unanimously approved. **Randy Hillier** abstained because the applicants reside in his neighborhood.

Findings:

1. The proposed changes to the existing home are compatible and consistent with buildings on adjoining lots and parcels in the general vicinity.
2. The setbacks and orientation of the existing building does not change with the proposed addition.
3. The proposed addition, along with the existing home, reinforces the sense of human scale using elements listed in the ordinance.
4. The height of the proposed addition is consistent height restrictions set forth in the ordinance.
5. The building and roof form of the proposed addition is consistent with other buildings seen traditionally on the block and in the neighborhood.
6. The materials chosen for the addition are included in the list of materials appropriate for the OTR zone.
7. A neutral color for the addition is compatible with the visual continuity of the block.
8. The homeowner and contractor are taking into consideration the suggested changes by the Historical Commission.
9. The proposal lends stability to the area in that people could expand their homes as their families grow and not have to move elsewhere.

MISCELLANEOUS, CORRESPONDENCE, ETC.

- **Scenic Byway regulations**

Glenn Symes said that the packet information on the Legacy Parkway Scenic Byway Master Plan was a reading assignment for the Commission, and that thus far only one city has adopted the Scenic Byway standards.

- **Discussion of “Family” definitions changes**

Mr. Symes stated that the definition of “Family” is long and difficult to administer. He briefly reviewed the possible changes as contained in the September 19, 2008 memorandum from David Petersen to the Commission.

- **TOD Zone amendment update**

The Commission discussed a possible field trip to the Daybreak development in South Jordan. **Paul Barker, Chairman Poff, Randy Hillier** and **Jim Young** expressed interest in participating, and **Mr. Symes** said he will follow up in arranging this activity.

- **Other**

Rick Wyss requested that **Mr. Symes** follow up on obtaining an update on the I-15 sound walls.

ADJOURNMENT

Craig Kartchner moved to adjourn. **Jim Young** seconded the motion, which passed unanimously. The meeting adjourned at 8:35 p.m.

*Kevin Poff, Chairman
Farmington City Planning Commission*